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11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

14 FEDERAL TRADE COMMISSION

Case No. 23-cv-02880-JSC

15 Plaintiff,

16 v.

17 MICROSOFT CORPORATION,

18 and

19 ACTIVISION BLIZZARD, INC.,

20 Defendants.

[PROPOSED] ORDER GRANTING NON-PARTY NINTENDO OF AMERICA INC. STATEMENT PURSUANT TO LOCAL RULE 79-5(f) AS TO WHY ITS CONFIDENTIAL INFORMATION IN DKT. NO. 310 (DEFENDANTS PROPOSED POST-TRIAL FINDINGS OF FACT AND CONCLUSIONS OF LAW) SHOULD REMAIN UNDER SEAL

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28 [PROPOSED] ORDER GRANTING NON-PARTY NINTENDO OF AMERICA INC. STATEMENT PURSUANT TO LOCAL RULE 79-5(f) AS TO WHY ITS CONFIDENTIAL INFORMATION IN DKT. NO. 310 (DEFENDANTS PROPOSED POST-TRIAL FINDINGS OF FACT AND CONCLUSIONS OF LAW) SHOULD REMAIN UNDER SEAL

Case No. 23-cv-02880-JSC

[PROPOSED] ORDER

Having considered Nintendo of America Inc.'s ("NOA") Statement Pursuant to Civil Local Rule 79-5(f) As to Why Its Confidential Information in Dkt. No. 310 (Defendants Proposed Post-Trial Findings of Fact and Conclusions Of Law) Should Remain Under Seal, the Court ORDERS that the below designated portions remain redacted and kept under seal.

Location	NOA's Position on Sealing
Pg. 57, all of lines 23-24	The information in this redaction discusses confidential business terms with third-party content providers. The harm that would occur absent sealing was discussed in NOA's previous Local Rule 79-5 Statement (Dkt. No. 219) at page 3, Category 2, filed on June 26, 2023.
Pg. 57, all of line 27; pg. 58, all of lines 1-4, portions of line 5	The information in this redaction discusses confidential negotiations with Microsoft. The harm that would occur absent sealing was discussed in NOA's previous Local Rule 79-5 Statement (Dkt. No. 219) at page 4, Category 5, filed on June 26, 2023.
Pg. 58, portions of all of lines 10-12, portions of line 13	The information in this redaction discusses confidential negotiations with Microsoft. The harm that would occur absent sealing was discussed in NOA's previous Local Rule 79-5 Statement (Dkt. No. 219) filed on June 26, 2023.
Pg. 92, portions of line 2 and all of line 3	The information in this redaction is likely to result in competitive and economic harm as it discusses extremely sensitive and confidential information relating to future Nintendo plans. The harm that would occur absent sealing was discussed in NOA's previous Local Rule 79-5 Statement (Dkt. No. 219) at page 3, Category 1, filed on June 26, 2023.
Pg. 142, portions of lines 5-6, all of lines 7-15	The information in this redaction discusses confidential negotiations with Microsoft. The harm that would occur absent sealing was discussed in NOA's previous Local Rule 79-5 Statement (Dkt. No. 219) at pages 4-5, Category 6, filed on June 26, 2023.

IT IS SO ORDERED.

Dated:

HON. JACQUELINE SCOTT CORLEY
United States District Judge